

SECOND REGULAR SESSION

SENATE BILL NO. 1363

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time March 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

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AN ACT

To repeal section 508.010, RSMo, and to enact in lieu thereof one new section relating to venue in tort actions, with a referendum clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 508.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 508.010, to read as follows:

508.010. Suits instituted by summons shall, except as otherwise provided by law, be brought:

(1) When the defendant is a resident of the state, either in the county within which the defendant resides, or in the county within which the plaintiff resides, and the defendant may be found;

(2) When there are several defendants, and they reside in different counties, the suit may be brought in any such county;

(3) When there are several defendants, some residents and others nonresidents of the state, suit may be brought in any county in this state in which any defendant resides;

(4) When all the defendants are nonresidents of the state, suit may be brought in any county in this state;

(5) Any action, local or transitory, in which any county shall be plaintiff, may be commenced and prosecuted to final judgment in the county in which the defendant or defendants reside, or in the county suing and where the defendants, or one of them, may be found;

(6) In all tort actions, **including tort actions based upon improper health care**, the suit [may] **shall only** be brought in the county where the cause of action accrued [regardless of the residence of the parties], and process therein shall be issued by the court of such county and may be served in any county within the state; provided, however, that in

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

any action for defamation or for invasion of privacy the cause of action shall be deemed to have accrued in the county in which the defamation or invasion was first published.

Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2004, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.

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